

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM No.8261-CWP of 2023 in
CWP No.9667 of 2023
Date of decision : 15.05.2023**

Amarjit Devi and others

....Applicants/Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Shivam Joshi, Advocate
for the applicants/petitioners.

Mr. Aman Dhir, Dy. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

CM No.8261-CWP of 2023

This is an application filed under Section 151 C.P.C. for recalling of order dated 5th of May, 2023 passed by this Court in CWP-9667-2023 whereby the writ petition was dismissed as withdrawn on the statement made by counsel for the petitioners.

For the reasons recorded in the application, the same is allowed. Order dated 5th of May, 2023 is hereby recalled. The main writ petition is restored to its original number & stage and accordingly taken on Board today itself.

CWP No.9667 of 2023

By way of present writ petition, the petitioners pray for issuance of a writ in the nature of certiorari seeking quashing of the order dated 17th of January, 2023 and order dated 18th of April, 2023 whereby the

petitioners have been ordered to be transferred from District Batala and Gurdaspur to Ludhiana.

2. Petitioners who were working as Constables/Head Constables were in Police District Batala and Gurdaspur beyond the sanctioned strength. There was a practice being adopted by the department wherein the personnels beyond sanctioned strength were being adjusted on the condition that they will not claim salary. One such matter travelled to this Court wherein the police personnel raised grievance w.r.t. non-payment of salary. After notice was issued a policy decision was taken at the highest level i.e. Director General of Police, Punjab to transfer the personnels working beyond sanctioned strength and to pay their salaries regularly. As a fall out thereof, the present petitioners have been ordered to be transferred to District Ludhiana. Counsel for the petitioners has eloquently argued that the action of the respondent-department is in teeth of Rule 12.26. The transfer of the petitioners being inter-district transfers the same has to be with the sanction of both Deputy Inspector General of Police concerned or of the Deputy Inspector-General concerned and the Assistant Inspector-General. Moreover, it has to be approved by the IG headquarters.

3. I have heard counsel for the petitioner and have gone through records of the case.

4. It will be apposite to peruse Rule 12.26 which reads as under :-

“12.26. Inter-district transfers. - Exchange of appointment between lower subordinates in districts of the same range, or

between such police officers in the railway and district police, may be effected subject to the approval of the Superintendents concerned (or of the Assistant Inspector-General in cases affecting the railway police). A lower subordinate may be transferred to fill a vacancy in a district other than that in which he is serving only with the sanction of the Deputy Inspector-General of the range. In cases of transfer from and to districts in different ranges, or from and to the railway police, the sanction of both Deputy Inspector-General concerned or of the Deputy Inspector-General concerned and the Assistant Inspector-General, Government Railway Police, is required.”

5. The precise submission of the petitioner is based on the following part of the Rule :-

“A lower sub-ordinate may be transferred to fill a vacancy in a district other than that in which he is serving only with the sanction of Deputy Inspector-General of the range...”

6. Thus the question arises for consideration is : '*whether the concerned DIG of the range accorded sanction ?*'

7. A bare perusal of the impugned order would reveal that the same has been passed on behalf of the Director General of Police and by the office of Director General of Police, Punjab.

8. In view of the above, the contention raised by counsel for the petitioner is misconceived. Once an order has been passed on behalf of the Director General of Police, there was no requirement for the sanction of Deputy Inspector General of the range which is much lower authority.

9. In view of the above, no ground is made out to interfere in the present writ petition and the same is ordered to be dismissed.

May 15, 2023
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No